

Permitting & Assistance Branch Staff Report

Modified Solid Waste Facilities Permit for

Desert Recycling, Inc.

SWIS No. 33-AA-0309

April 5, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the Riverside County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for Desert Recycling, Inc., SWIS No. 33-AA-0309, located in Riverside County and owned by Robert and Stephanie Mehrling and operated by Robert Mehrling, Desert Recycling, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on February 11, 2016. A new proposed permit was received on March 10, 2016. Action must be taken on this permit no later than May 9, 2016. If no action is taken by May 9, 2016, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2008)	Proposed Permit
Permitted Hours of Operation	Receipt of materials/Gate hours 6:00 a.m. to 8:00 p.m. Monday – Saturday Maintenance/Ancillary Activity Hours 24 hrs. Monday- Sunday The Facility is closed on all major holidays as described in the RFI	Receipt of Materials/Gate Hours: 6:00 a.m. to 8:00 p.m. Monday-Saturday Ancillary Operations/Facility Operating Hours: 24 hours Monday-Sunday The facility is closed on all major holidays as described in the Facility Report and Transfer Processing Report
Permitted Maximum Tonnage	1,500 Tons per Day (all materials)* see condition 17n	1,500 Tons per Day (combined materials see condition 17d)

Other Changes include updates to the following sections of the SWFP: "Legal Description of Facility," documents that describe and/or restrict the operation of the facility, and "EA Conditions," including rewording, additions, and deletions for the purpose of updating and/or clarifying operational requirements regarding the load check program and the maintenance and availability of records to bring the SWFP in line with current standards.

Key Issues

The proposed permit will allow for the following:

1. Incorporate updated Transfer Processing Report and Facility Report to further clarify and define current operations at this facility.
2. Clarify EA conditions for the load check program, meeting storage times and design capacity enumerated in the Facility Report.

Background

Desert Recycling, Inc. is an existing outdoor processing facility located at 27105 Sierra Del Sol, outside of the community of Thousand Palms. Desert Recycling, Inc. has had numerous diversion activities occurring since 1991. Current activities include the receipt, storage, and recycling of the following materials: concrete, bricks, inert material, construction and demolition debris (primarily wood, but may also contain cardboard, metal, concrete and other recyclable materials) and gypsum.

Findings:

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated February 26, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on June 16, 2015. The LEA provided a copy to the Department on July 15, 2015. The changes identified in the review are reflected in this permit modification.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on March 10, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package dated February 26, 2016, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	identified in the Nondisposal Facility Element, as described in their memorandum dated March 22, 2016.	
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on March 25, 2016. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package dated February 26, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Notice was posted by the LEA on February 2, 2016. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on March 25, 2016 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

Large Volume Transfer/Processing Facility

- 2016 (January-March) - No violations were noted
- 2015 – One violation of 14 CCR Section 17416.1 – Housekeeping
- 2014 - No violations were noted
- 2013 - No violations were noted
- 2012 – One violation of PRC 44014(b) – Operator Complies with Terms & Conditions
- 2011 No violations were noted

Large Volume Construction, Demolition and Inert Debris Processing Facility

- 2016 (January-March) No violations were noted
- 2015
 - One violation of 14 CCR Section 17416.1 – Housekeeping
 - Two violations of 14 CCR Section 17408.6 – Maintenance Program
 - One violation of 14 CCR Section 17383.6(b) – Processed Storage >1 year
- 2014 No violations were noted
- 2013
 - Three violations of PRC 44014(b) – Operator Complies with Terms & Conditions
- 2012
 - Three violations of 14 CCR Section 18223.5(a) – Facility Reports
 - One violation of PRC 44014(b) – Operator Complies with Terms & Conditions
 - Two violations of 14 CCR Section 17410.1 – Solid Waste Removal
- 2011
 - Seven violations of 14 CCR Section 18223.5(a) – Facility Reports
 - One violation of 14 CCR Section 17407.5 – Hazardous, Liquid and Special Wastes
 - Three violations of 14 CCR Section 17383.6(b) - Processed Storage > 1 Year
 - One violation of 14 CCR Section 17408.1 – Litter Control
 - Four violations of 14 CCR Section 17386 – Operation Plan
 - Three violations of 14 CCR Section 17410.1 – Solid Waste Removal

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of Riverside Planning Department – Desert Office, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed modified permit include: update the Solid Waste Facility Permit and incorporate the updated Transfer Processing Report and Facility Report. There will be no changes to the operating days/hours, permitted area, or permitted daily tonnage. The existing permit is supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2006041083, was circulated for a 30 day comment period from April 14, 2006 to May 15, 2006. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND,

together with the Mitigation, Monitoring and Reporting Program, was approved by the Lead Agency on July 11, 2006. An addendum to the MND, dated December 7, 2007, was prepared by the LEA to clearly identify the maximum daily tonnage and the facility design capacity to ensure consistency with the 2008 proposed full SWFP for a Large Volume Construction and Demolition and Inert Debris Processing Facility and Large Volume Transfer Station to accept street sweepings and other allowable materials.

The County of Riverside Department of Environmental Health (LEA), has provided a finding that the proposed modified SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency, and addendum as prepared by the LEA, in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND and addendum are adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, the addendum to the MND prepared by the LEA, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is the Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA posted a public notice on February 2, 2016, on the Riverside County Department of Environmental Health website. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on March 15, 2016. No comments have been received by Department staff.